

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:

JOHN T. MCMAHAN,  
  
Debtor

Chapter 7

Case No. 18-14064

Honorable Janet S. Baer

THOMAS E. SPRINGER, solely in his  
capacity as the chapter 7 trustee of the  
Debtor,

Plaintiff,

Adv. No. 20-00165

v.

Trinity Green, LLC; Trinity Green, LLC-  
1240 N. Damen,

Defendants.

**NOTICE OF MOTION**

*Please take notice* that on October 31, 2023 at 10:00 a.m., or as soon thereafter as counsel may be heard, we will appear before the Honorable Janet S. Baer, United States Bankruptcy Judge, or any judge sitting in that judge's plan, either in Courtroom 615 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St., Chicago, IL 60604 or electronically as described below, and present the **CHAPTER 7 TRUSTEE'S MOTION FOR LEAVE TO FILE AN OVERLENGTH RESPONSE**, a copy of which is attached.

**Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by Zoom using the internet**, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and password.** The meeting ID for this hearing is 160 731 2971 and the password is 587656. The meeting ID and password can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Dated: October 23, 2023

Respectfully submitted,

**HORWOOD MARCUS & BERK CHARTERED**

/s/ Aaron L. Hammer

Aaron L. Hammer, Esq. (6243069)

[ahammer@hmblaw.com](mailto:ahammer@hmblaw.com)

Nathan E. Delman, Esq. (6296205)

[ndelman@hmblaw.com](mailto:ndelman@hmblaw.com)

Dan Wen, Esq. (6333529)

[dwen@hmblaw.com](mailto:dwen@hmblaw.com)

500 W. Madison, Ste. 3700

Chicago, IL 60661

Telephone: (312) 606-3200

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:

JOHN T. MCMAHAN,  
  
Debtor

Chapter 7

Case No. 18-14064

Honorable Janet S. Baer

THOMAS E. SPRINGER, solely in his  
capacity as the chapter 7 trustee of the  
Debtor,

Plaintiff,

Adv. No. 20-00165

v.

Trinity Green, LLC; Trinity Green, LLC-  
1240 N. Damen,

Defendants.

**CHAPTER 7 TRUSTEE'S MOTION FOR  
LEAVE TO FILE AN OVERLENGTH RESPONSE**

NOW COMES Thomas E. Springer (the "Trustee"), not individually but solely in his capacity as chapter 7 trustee for the John T. McMahan (the "Debtor") bankruptcy estate (the "Estate"), by and through counsel, Horwood Marcus & Berk Chartered ("HMB"), and hereby submits his *Motion for Leave to File an Overlength Response* (this "Motion") for entry of an order, pursuant to Rule 9090-3(F) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Northern District of Illinois (the "Local Rule(s)") granting leave for the Trustee to file an overlength response to the pending *Defendants' Emergency Motion To Vacate the Summary Judgment and Final Orders on Jurisdictional Grounds, to Strike the Trial Dates and for Other*

*Relief* (the “ Emergency Motion”) [Dkt. No. 121] and; (ii) granting related relief. In support of this Motion, the Trustee respectfully represents as follows:

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b). Venue is proper under 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(H).

2. The predicate for the relief requested herein is Local Rule 9090-3(F).

### **BACKGROUND**

3. On April 30, 2020, the Trustee commenced the present adversary proceeding against Trinity Green, LLC and Trinity Green, LLC – 1240 N. Damen (collectively, the “Defendants”) by the filing of his complaint (the “Complaint”). [Dkt. No. 1].

4. The Complaint sought the recovery of a certain fraudulent transfer of real property – specifically, the property commonly known as 1240 N. Damen, Unit #1 in Chicago, Illinois (the “Damen Property”). *Id.*

5. The Defendants answered (the “Answer”) the Complaint on July 1, 2020. [Dkt. No. 11].

6. On October 1, 2021, the Trustee filed the *Motion for Summary Judgment* (the “Motion for Summary Judgment”). [Dkt. No. 58].

7. After two hearings on the Motion for Summary Judgment which the Defendants failed to appear, on December 21, 2021, this Court entered its *Order Setting Final Hearing On Motion For Summary Judgment And Entry Of Judgment Order*. [Dkt. No. 69].

8. On December 22, 2021, this Court entered a *Certificate of Service*, certifying that copies of the *Order Setting Final Hearing On Motion For Summary Judgment And Entry Of*

*Judgment Order* were mailed to the Defendant and related parties at all known addresses. [Dkt. No. 70].

9. On February 7, 2022, at the fourth and final hearing on the Motion for Summary Judgment, this Court entered the *Order Granting Motion for Summary Judgment* (the “Judgment Order”) [Dkt. No. 74].

10. On October 7, 2022, the Defendant filed the Motion to Vacate, seeking to vacate the Judgment Order.

11. On November 2, 2022, the Trustee filed his response to the Motion to Vacate.

12. After multiple extensions, on September 19, 2023, the Defendants filed their Reply Brief in Support of Motion to Vacate and Emergency Motion.

13. Concurrently with their Reply, the Defendants filed the Emergency Motion, now seeking to vacate the Judgment Order under jurisdictional grounds.

### **DISCUSSION**

14. Local Rule 9090-3(F), governing omnibus hearings, motions, and briefs, states: “[n]o motion, response to a motion, brief, or memorandum in excess of fifteen pages may be filed without court approval. A request to file a motion or a supporting brief or memorandum in excess of fifteen pages may be made in the motion itself.” L.B.R. 9090-3(F).

15. The Trustee’s proposed *Response to The Defendant’s Emergency Motion To Vacate the Summary Judgment and Final Orders on Jurisdictional Grounds, to Strike the Trial Dates and for Other Relief* (the “Proposed Response”), is twenty-seven (27) pages long. A true and accurate copy of the Proposed Response is attached hereto as Exhibit 1.

16. The Proposed Response is this length primarily due to a comprehensive recital of the relevant events in the Debtor's above-styled case (the "Bankruptcy Case") and the present adversary proceeding (the "Adversary Proceeding") requires fourteen (14) full pages.

17. Cause exists to allow an overlength response as a full understanding of the underlying history of the Bankruptcy Case and the Adversary Case is instrumental in analyzing the applicable standards for the Rule 60(b) relief sought by the Defendant and in adjudicating the Motion to Vacate.

18. If the background section of the Proposed Response is excluded, the legal standard and discussion section of the Proposed Response is only thirteen (13) pages long (and would therefore be within the fifteen-page limit required by Local Rule 9090-3(F)).

19. The Trustee asserts that the Defendant will not be prejudiced by the filing of a response that is overlength simply due to the necessity in reciting the lengthy history of the Bankruptcy Case and the Adversary Case.

20. Accordingly, this Court should grant leave to allow the Trustee to file an overlength response.

### **CONCLUSION**

WHEREFORE, the Trustee respectfully requests that this Court enter an order, in substantially the same form as the proposed order attached hereto: (i) granting leave for the Trustee to file the Proposed Response attached as Exhibit 1; and (ii) granting related relief.

Dated: October 23, 2023

Respectfully submitted,

**HORWOOD MARCUS & BERK  
CHARTERED**

/s/ Aaron L. Hammer

Aaron L. Hammer, Esq. (6243069)  
[ahammer@hmblaw.com](mailto:ahammer@hmblaw.com)  
Nathan E. Delman, Esq. (6296205)  
[ndelman@hmblaw.com](mailto:ndelman@hmblaw.com)  
Dan Wen, Esq. (6333529)  
[dwen@hmblaw.com](mailto:dwen@hmblaw.com)  
500 W. Madison, Suite 3700  
Chicago, IL 60661  
Telephone: (312) 606-3200

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 23, 2023, I caused a true and correct copy of the foregoing **CHAPTER 7 TRUSTEE'S MOTION FOR LEAVE TO FILE AN OVERLENGTH RESPONSE**, to be filed with the Court's CM/ECF system and to be served in accordance therewith to all parties receiving electronic noticing.

A copy of this filing was also served electronically to:

John T. McMahan: [goldcoastpro@gmail.com](mailto:goldcoastpro@gmail.com)  
Lynn L. McMahan: [lynn.stege@icloud.com](mailto:lynn.stege@icloud.com)

A copy of this filing was also served via first-class regular mail to:

**Robert Shelist**  
1061 W. Monroe St  
Chicago, IL 60607

By: /s/ Aaron L. Hammer